Hante, in consequence of this infringement of their rights, Mr. Wm. J. Brown and the Speakerand end in a serious injury to the whole upper Wabash

The original bill not having been reported back by the committee, the whole matter was sent back to the commit- ton Union of Dec. 13. The same paper contains fourtee, and no further proceeding had on the subject. The bill fixing the pay of the members of the Legislature at three dollars per day and three dellars for every 25 miles subject. We shall endeavor soon to copy these protravel, as milage, without limiting the time of said compensation to six weeks, was read a second time; and, on motion of Mr Mickle, laid on the table; ayes 75, noes 20.

The bill in relation to roads and highways in Bartholomev county was read a third time and passed. The bill providing for the payment of the three per cent. fund due Indiana, and withheld qy the general government, out of any moneys in the State treasury, was read a second time and referred to the committee of ways and means. The bill for the benefit of the Central plank road company was read second and third times and passed.

The bill limiting the period of commencing suits on cial bonds to six years, was read a second time and indefi-

The bill to authorize William McDowell to erect a mill dam across the Wabash river, was read a second and third times and pased. The bill to repeal the 61st section of the act giving the Virginia, and Wallace of South Carolina.) who had

public works to private companies, which section authorises county boards to subscribe stock, was read a second time and ordered to be engrossed. The bill regulating the pay of the Probate Judge of Vanderburgh county was read a second time; when Mr. Murray moved that the additional dollar per day to

be paid said judge, be paid out of the county tressury. The amendment was not adopted; yeas 45, nays 45. Mr. Chandler moved to insert the county of Warren. to make the law general.

Mr. Allen moved to postpone until the 1st of Februa-

The joint resolution authorizing the sale of the interest of the State in the Whitewater Canal, was read a second time; and on motion of Mr. Elder, laid on the table. On motion, the House adjourned.

# Indiana State Sentinel.

STERNAL VIGILANCE IS THE PRICE OF LIBERTY.

Our Terms. of the Weekly Indiana State Sentinel: Payments to be made always in advance. One copy during the session, ...... 50 rose to explain his letter and defend his course.

Semi-Weekly. (Published three times a week during the session.)

Telegraphed for the Indiana State Sentinel. Congressional.

WASHINGTON, Dec. 18. SENATE. On motion of Mr. Mangum, the Senate proceeded

claims, Walker; Judiciary, Butler; Post Roads, Rusk; Territories, Douglass; Military, Houston; Navy Affairs, Yulee: Public Lands, Felch; Private Land claims, Downs; Indian affairs, Atchison; Fi- some other candidate to fill the Chair. nance, Dickinson; Commerce, Hamlin; Manufae- The whigs considered themselves fully defeated tures, Sebastian; Agriculture, Sturgeon; Military when the ballot took place. They were thrown into affairs, Davis; Roads and Canals, Bright; Dist. Columbia, Mason; Public Buildings, Hunter; Contin- ceive with what delight they received these revelagent expenses Senate, Dodge and Bradbury; Library, tions, and how much they chuckled over the effects Pearce; Eurolled bills, Rusk; Engrossed bills, Jones; which were displayed in the ranks of the republican Printing, Borland. Previous to balloting, Mr. Clay party. We are not accustomed, however, to "deasked indulgence of the Senate to be excused from fortunately not wanting in strong and able leaders to serving on any committee. He said "there was no conduct them to victory; and it is to be hoped they danger of his election as chairman of any committee will yet rally upon some democrat who will succeed (laughter.) but even if that honor was conferred up- in reaching the Chair. on him, he must beg leave to decline. On motion of ther ballot, the House adjourned in much excitement, Mr. Dickinson to fill committees, postponed till to- at an early hour. morrow. Senate adjourned.

Several propositions and resolutions were introduced, but giving rise to discussion, were laid on the excitement, and, in the confusion which prevailed. table. The House proceeded to vote for Speaker. presuming no correct report of my remarks will be 52d ballot Winthrop, 95; Boyd, 66; McClernand, lish this communication. 15; Potter, 11; Cobb, 7; Disney, 9; Morehead, 4; After I had received 53 votes for Speaker, on Mon-Boyd, 59; McClernand, 18; Potter, 10; Cobb, 8; Dis- sent for to go to the room of a member. When I ney, 9; Morehead, 4; Julian, 7; scattering 11. 54th arrived there, I learned that it was for the purpose of ballot-Winthrop, 92; Boyd, 61; McClernand, 13; barria, who soon after came into the room. He in-23; Cobb, 10; Disney, 4; Julian, 4; Strong, 16; scat- for him, if the time had arrived when their votes tering, 22. No choice. Mr. Bailey read a writen to vote for me if I would agree to give them fair explanation of the difficulty between Meade and Duer, committees on the District of Columbia, the Judiciaadjourned at quarter past three.

# Constitutional Convention.

but only a few arguments. We know not how accurate the figures of the Journal may be, but we are as to prevent any important question from being fulapportionment could possibly be made, which would mot appeared satisfied, and left me. In a short time be free from the same objections as to inequality.

The very influences and necessities which made the existing apportionment unequal in some instances, this evening, you were free to say that if elected Speaker will continue to prevail. No man would agree, for of the House of Representatives you would constitute instance, to cut up the counties, so as to create district of Columbia, in a manner that should be satisfactory tricts without regard to county boundaries. And to myself and the biends with whom I have bad the honwe must expect that, by a combination of their representatives, they will gain some advantage in any apportionment. This is perfectly natural, and cannot Hon. Ws. J. Brows. be avoided. Or, if to be avoided at all, it can be on- I knew the reason why I was interrogated. I had ly in one way, and that is a way which the State friendly to the South than a majority of the repre-Journal and its friends will not be apt to agree to. sentatives from the North. As a member of the 28th We mean, to elect the whole number of delegates by Congress I had advocated the application of the Misgeneral ticket. In that way only can the votes of the sourt compromise to the Texas bill, and had voted whole mass of the population have a perfectly equal against the application of the ordinance to the Oreweight and bearing. This would give us a Conven- gon bill, because it was north of that line. For four weight and bearing. This would give us a Conven-tion of all Democrats, or all Whigs,—and we ima-had neither voted at an election nor been a member gine our neighbor would consider such a result a of Congress, and had no opportunity of recording my greater evil than the one of unequal representation vote upon these exciting questions. I did not, there-

which he deprecates. No great complaint has heretofore been made against the present apportionment, as the General Assembly is affected. That law was made by the votes of both parties, and, if any thing, the advantage is on the side of the Whigs, and not on that of District of Columbia, on Territories, and on the Judiciathe Democrats. It is impossible to arrive at any perfect system, especially while our population is con-tinually fluctuating and increasing. The legislature and believe that the lederal government should be relievmay devote a month's time to the subject, and we ed from the responsibility of slavery where they have the very much doubt if, after all, they could much if any improve the proposition of the Senate Committee.

To district the State anew, for the election of delegates alone, while the old law remains for Senators have organized these committees in such a manner and Representatives, might create fatal confusion on complained of. I intended to constitute them of fair the day of election, especially if the Delegates. Sen- and importial men, who would have thoroughly inators and Representatives should all be voted for on vestigated and reported upon all constitutional questhe same day. This last consideration is enough to tions, without regard to sectional or party bias. I settle the question.

says that Senators Foote of Mississippi, Mangum of N. C., and T. L. Clingman of the House of Representatives from N. C., are preparing "A great Compromise bill" to settle the Slavery question. The tion of his views as to the constitutional power of same paper states that it will be sustained by Messrs.

Clay, Benton, and Calhoun. It will provide for the establishment of territorial governments on the desert north and south of California, and makes two States of Texas. It also provides for the appointment of a mon-interference. But whilst these were my views, and whilst I was willing to let the people determine of real estate, that he, together with other persons named, were the owners of several jurisdiction the Probate Courts had, by the caption of the institution of the people who might inhabit the territories. In other words, I was for non-interference. But whilst these were my views, and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was willing to let the people determine and whilet I was will not the courts and the provide of the institution of the institution of the provide o

We copy the following articles from the Washingcolumns of proceedings in the House, upon the same ceedings, so that Mr. Brown may be placed right, before his constituents.

#### From the Union No Speaker yet!

We leave it to our reporter to sketch the scenes which were exhibited on the floor of the House vesterday. We had expected that a democratic Speaker would be elected, and that Mr. William J. Brown of

Indiana, was destined to that unenviable honor. The commoncement of the ballot which was taken immediately on the meeting of the House was calculated to confirm these impressions; but three of the southern members, (Messrs. Bocock and Seddon of voted for him on Tuesday, threw their votes on this occasion, so as to defeat an election. Mr. Brown's vote amounted to 112-114 being the majority of the whole-so that he wanted only two votes of being elected. Mr. Cobb, of Alabama, had voted for him. Mr. Holmes of South Carolina, voted for Mr. Bowdon. Mr. Brown received the vote of at least five free-soilers, viz: Messrs. Allen, Durkee, Giddings, Mr. Murray moved to commit the bill, with instructions Preston King, and Wilmot. The three votes of the southern members, however, defeated the election.

A scene then took place in the hall which almost baffles description. We must refer to our reporter Mr. Graves moved to lay on the table; which motion for the proceedings. Mr. Ashmun, of Massachusetts, (an abolition whig,) was the first to address inquiries to the democratic side of the House as to any correspondence which had passed between the freesoilers and Mr. Brown, which finally drew from Mr. Brown a long explanation of the position he had occopied, and also the production of the letter which he had addressed to Mr. Wilmot. He concluded by thanking the House for the support which they had given to him, and withdrawing his name from the canvass. The letter which produced so much feeling INDIANAPOLIS, DECEMBER 21, 1849. in the House, will speak for itself. It surprised many and deeply mortified his former friends; and many of the southern members rose to clear the skirts The following will hereafter be the permanent terms of his southern supporters of the vote which they had just given to him, and declared that if they could have suspected in the slightest degree his pursuing One copy, one year, ..... \$2.00 such a course, they would never have cast their votes Three copies, one year, ..... 5.00 for him. Messrs. Robinson and Dunham, of Indiana,

This is not the time, amid the "hurly-burly" of the passing scene, to review all the incidents of this One copy, .... \$4.00 | Three copies, .... \$10.00 | extraordinary transaction. We spoke yesterday of sincerely disapprove, the position in which he has placed himself. We had hoped to hail him as the Speaker of the House. We had regarded him as a politician who was perfectly satisfactory to the South; and yet so fair in his principles, and so firm in his course, that he would, as a citizen of the whole to ballot for Chairmen of Standing Committees. For- country, as attached to the Union, and to all her eign relations, King; Claims, Norris; Revolutionary great interests, do full justice, in the designation of the committees and in the administration of the powers of the Chair, to all parts of the nation, and to every member. His election is now entirely out of the question, and the democratic party must

### To the Editors of the Union :

Having spoken to-day in the House under much furnished, I ask, in justice to myself, that you pub-

Julian, 5; scattering, 11. 53d ballot-Winthrop, 92; day last, and after the House had adjourned, I was Cobb, 11; Disney, 8; Morehead, 5; scattering, 22. formed me that they were satisfied with the position 55th ballot-Winthrop, 97; Boyd, 47; McClernand, of Mr. Potter, of Ohio, and had been ready to vote apologizing for the recent political controversy on the ry, and on Territories; that neither himself nor the floor. The difficulty was adjusted, and the House gentleman from New York, (Mr. P. King.) desired to be upon these committees; that all he and his friends asked was, that the ablest men of the different parties, and both sections of the Union, might be The State Journal of Tuesday contains an article selected; but they asked that they should be imparon this subject, in which objection is made to the tial and unprejudiced upon the question of slavery : Senatorial basis, under the existing apportionment that their fears were, that I might so constitute these committees as to stifle what he regarded as the public law, upon which it has been proposed to fix the representation in the Convention for the revision of the him, in reply, that I regarded his request as reasonable, and that, if elected, I should constitute these The Journal parades a formidable list of figures, committees of fair and impartial men; that whatever well assured of one thing, and that is, that no new ly presented and discussed in the House. Mr. Wil-

I received from him the following note: DEAR SIR : In the conversation which I had with you while the small counties outnumber the large ones, or to act. I have communicated this to my friends; and

fore, object to placing my verbal declarations upon

following note:

I am yours, truly, W. J. BROWN. Hon. DAVID WILMOT.

If I had been elected, I feel confident that I should was interrogated by a number of southern men, to all of whom I said that I was opposed to the Wilmot THE SLAVERY QUESTION .- The N. O. Picayone Proviso. I was a friend and supporter of Gen. Cass,

this question for themselves, under no consideration could I vote for a territorial bill having in it a provision to establish the institution of slavery. I have epeatedly said that, although I deemed the Proviso repeatedly said that, although I deemed the Provisor as unnecessary and useless. I should have no objection to see a bill, with its provisions, presented to Gen. Taylor for his signature, as at the North he has been regarded as favoring the measure, and at the South opposed to it. I stated to several southern gentlemen that my mind was not clear as to the contitutional power to abolish slavery in the District of Columbia. I was anxious, if that question was to be agitated this winter, that a report might be made from an able committee of legal gentlemen. Mr.

Van Buren believed that Congress possessed that power, and yet the South voted for him. I have always taken the open ground that Congress should not interfere with the institution of slavery in the District of Columbia without the consent of the inhabitants. If Cangress possesses the power to abolish slavery in the District. The question of the power of Congress is a judicial, and not a legislative question. In writing this letter I have committed an error, but I have made no declaration to southern men or to northern men but what shall be fully sustained by my votes, if I have an opportunity before Congress adjourns. I have been consistent, and my future conduct shall prove it. I desire to see the House organsized, and an ready to youe for any democratical property and an error of process of the Sante value of the committees, except that they should be fairly constituted. I made no declaration to southern men or to northern men but what shall be fully sustained by my votes, if I have an apportunity before Congress adjourns. I have been consistent, and my future conduct shall prove it. I desire to see the House organsized, and an ready to youe for any democrative the sustained proversized and an error, but in the case of process and before the process of the substance of the chain of the committees, except that they should be fairly constituted. I made no declaration to southern men or to northern men but what shall be fully sustained by my totes, if I hav s unnecessary and useless, I should have no objecduct shall prove it. I desire to see the House organe ized, and am ready to vote for any democrat without inquiring whether he lives in the North or South—whether he is for or against the Proviso. One thing our southern democratic friends should remember—that in the North the sentiment against the extension.

The State extend, Co., vs. Nelson et al. Appeal from the Vander-burgh C. C. Perring J. Sheriffs and constables are to be held to ordinary diligence in the care of property seized by them on execution; but it is not make rial whether this diligence is exercised by them personally, or by others acting under their authority; and they may make the execution defendant their agent for the care and safe keeping of the property, being responsible for the same degree of diligence in him as its required of themselves. that in the North the sentiment against the extension of slavery is almost universal; and if we are required to become the advocates of its extension, our property to make the money. Afterned.

Clendenin vs. Francer. Error to the Orange C. C. Blackford J. Clendenin vs. Francer. letter was founded on the verbal conversation with Mr. Wilmot, which is fully sustained by his speech.

narily severe upon Mr. W. J. Brown, the representa- The Se tive to Congress from this district. If Mr. B. were Tulley et al. vs. The State. Appeal from the Floyd C. C. PERat home, the Journal, perhaps, would talk a little when the officers of a corporation are, by the charter, elected for brand Mr. B. with a stain of personal dishonor; but he should remember that the reputation of the State

The tenure of the omee of a school Commissioner is to be determined by the same rule, where like words are used in the statute creating the office.

The Law of 1831, provided that a School Commissioner should hold his office for the term of three years, and until his successor party or personal consideration. Our rule of action has always been, and we trust always will be, the STATE first, and party next: party, only when the interests and honor of the State may be thereby and interests and honor of the State may be thereby sub
Shortly vs. Miller. Appeal from the Delaware C. C. PERKINS J.

This was an action on the case for slander and malicious prose served, which we believe will always be the result of under honest democratic rule: partizanship no longer, when men forget the higher obligations due the State, and when they evince a willingness to become recreant to those obligations, for the sake of personal advantages to themselves Under this rule, how can we help condemning the Journal's hasty denunciation of Mr. Brown, not only for present alleged misconduct, but for imaginary past offences, upon which the people have passed their judgment in his favor? Mr. given under it.

The Court was asked to instruct the jury that if they thought the evidence adduced by the defendant not entirely sufficient to establish the plea of justification, yet, if it showed that the defendant had reason to believe, from the conduct of the plaintiff, that the charge was true, such evidence might be given in evidence in mitigation of damages. This instruction should have been applied to the count for malicious prosecution as well as that for shander. Brown may have been a little imprudent in relation " doubt very much indeed.

We have thought, that by thus condemning Mr.

B. on telegraphic testimony alone, the true design of the Journal might be, to play the game into the hands of the ultra Southern men. Whether this be so or not, others entertain a different view of Mr. B's.

course. The New Albany Ledger of the 15th inst.

of the latter to vote for him. As it is evident that no person can be elected without the joint concurrence of some two parties, we can see nothing wrong in this. Mr. Brown is a northern man, and although by no means a free-soiler, his opinions in opposition to slavery are well known. Nor can we see any great objection to allowing the free-soil party the opportunity of having their views presented to Congress and the country through the medium of committees. The majority of a lsgislative body are not compelled to endorse the report or the sentiments of a committee. Doubtless this was Mr. Brown's view of the case and we regret that he saw proper to withdraw his name from the candidacy, although it is probable that the extreme sensitiveness of some of the southern members would have prevented his election. Where this contest is to end we know not, but for the good of the country it is to be hoped that some arrangement will be made by which an organiplaintif; and so the persons present understood the defendant to
mean and instance. Held, that the words charged to have been
spoken by the defendant, without other extrinsic facts than those zation may be effected, and the legislative business of the session gone on with."

build this road on the plan of Mr. Degrand—\$2,000, 000 private and \$98,000,000 national subscription—
and that the petition is to be generally circulated.

The impudence of this proposition is really magnifi
The concluding to the country is made a special property of the proposition of the plant of the plant of the proposition of the plant of the The impudence of this proposition is really magnificent. We should like to look into the faces of the men who originated so splendid a swindle. We have called Whitney the Railroad Napoleon: these Boston general ed Whitney the Railroad Napoleon: these Boston general ed. So Black 1953.

To a declaration in covenant upon a bond, a plea stating that the bond was executed under a mistaken impression of its legal effect, made on the defendant's mind by the plaintiff, is bad. Russell et al. v. Branham et. al. 8 Blackf. 277.

"A sensation, and quite a flattering one, has been parel lice produced on both sides of the Channel by the proceed-

THE TREATY BETWEEN THE UNITED STATES AND that if he should, after a specified time, practice medicine, &c., within certa in timits, the plaintiff should recover of him 1000 dotlars as liquidated damages. Held, that there was nothing in the case to show that the parties did not intend what they so clearly expressed. See Green v. Price, 13 Mees. & Welsb. 695; Sainter Engruson. Eng. Court of Common Pleas, April 1849, 7 New contains some new provisions in relation to commer-cial intercourse between the United States and the York Legal Obs. 198; Hamilton v. Overton et al., 6 Blacks. 206. Sandwich Islands. These provisions are of the most liberal character; the duties imposed upon all articles (except liquors) exported from the United States to the Sandwich Islands, for instance, being merely nominal. Provision is made, it is said, for the encouragement of a line of statement between the United States were said. Sandwich Islands. These provisions are of the most

ery body seems highly gratified, and learn't if they did not know it before, that Gov. Wright is as active in hospitality as he is very well known to he in politics. Similar resunious will take place every Tues.

SUPREME COURT OF INDIANA. November Term, 1819. REPURTED FOR THE STATE SENTINEL BY A. O. PORTER,

Waterhouse us, Fickle, Error to the Cass C. C. SMITH J.

Where property takes in execution has been lost or destroyed un-

puired to become the advocates of its extension, our places will be filled with whigs. In this correspondence I consulted none of my friends. I alone am responsible. I made no pledges to any one. My letter was founded on the verbal conversation with Mr. Wilmot, which is fully sustained by his speech.

W. J. BROWN.

Washington, Dec. 12, 1849.

The State Journal, of yesterday, is extraordinarily severe upon Mr. W. J. Brown, the representative to Congress from this district. If Mr. B. were Talley et al. vs. The State. Appeal from the Floyd C. C. Prantice and the correspondency. Affirmed.

The Act of 1843, relative to the New Albany and Vincennes road, provided that the certificates issued by the Superintendent, under that act, should be paid in tolls from the road, and all money not otherwise appropriated in said act, accruing from said road, was thereby piedged for the redemption of the same.

Hald, That this amounted only to a promise, on the part of the State, that the certificates which should alterwards accrue.

If this promise was broken by the State, the holders of the certificates have no remedy at lawfor in chancery, for the State cannot be such by an individual unless authorized by a special statute.

The Superintendent cannot be liable, on a promise not made by himself, but by the State for which he is the agent. Affirmed.

Talley et al. vs. The State. Appeal from the Floyd C. C. Prantice.

more mildly! It would have looked better, if the officers may continue to exercise their offices after the expiration of fournal had awaited Mr. Brown's explanation. Our the term, until superseded by the election of other persons in their neighbor may think it an advantage to his party, to The tenure of the office of a School Commissioner is to be deter-

may suffer in the damnation of her representative.

Was elected and qualified.

But the Act of 1833, (Laws I833, p 78.) contained no such provision in favor of School Commissioners elected under the Law of 1831; therefore such officer, after the enactment of the Law of 1833, could

A plea of justification in an action of slauder, must be proved

The repetition of the slanderous words by the defendant, after to the Speaker-hip, but that he is any more corrupt than most members of Congress, we are inclined to by the jury for that purpose.

The Court intimate no opinion as to whether the repetition of the

takes the following ground:

"The telegraphic report published yesterday shows that but one ballot for Speaker was taken on Wednesday, when the Hon. William J. Brown, of this State, received 112 votes, lacking only two of an election. It would appear, also, that some kind of a correspondence had taken place between Mr.

balance due to Weddell from the estate, and passed an order requiring the administrator de bonis non to pay the same out of the assets of the estate; and at a subsequent term an order was passed directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments belonging to said directing Kelley to assign to Weddell judgments to we said directing Kelley t

of a correspondence had taken place between Mr.

Brown and the free-soilers, which induced some of the latter to vote for him. As it is evident

Error to the Switzerland C. C. Perkins J.

Assumpsit by plaintiffs in error.

The declaration contains three counts. The first for board and lodging furnished to defendant's wife.

This count is bad. The Board of County Commissioners cannot

for the good of the country it is to be hoped that ing with your sisters," (meaning the plaintiff;) thereby meaning that said Jesse had been guilty of sexual intercourse with the

The second count, were not actionable.

The second count states a certain other conversation between the defendant and said Jesse, in the hearing of divers persons, in which the said Jesse said to the defendant, "All the bravery you ever showed was in whipping your wife." In reply, the defendant and spoke of and concerning said Jesse and the plaintiff these false, slanderous and mail-ious words, namely, "All the bravery you ever showed was in sleeping with your sisters, (meaning the plaintiff.) To the last remark the said Jesse and the plaintiff these false, slanderous and mail-ious words, namely, "All the bravery you ever showed was in sleeping with your sisters, (meaning the plaintiff.) To the last remark the said Jesse end have it understood by said Jesse and the other persons present, that said count was object to sable defendant could prove it; and so said Jesse and said other persons understood the defendant. Held, that said count was object to sable for not averring that the plaintiff was a sister of Jesse Millison.

Held, also, that the words, no extrinsic facts being alleged in set forth in said count, were not actionable.

him, concluding to the country, is good on general der The State v. Scott, et al., 6 Blackf. 263.

tlemen are of the Monroe Educards class of operaturs.

Mr. Walsh, in one of his late letters from Paris,
says:—

"A sensation, and quite a flattering one, has been parel license.

"A sensation of the Monroe Educards class of operaturs.

"A defendant cannot be allowed to contradict the statements in his own bond. He is estopped by the bond from pleading such contradictory matter; and if the matter of estopped appears upon the face of the declaration, the plaintiff may take advantage of it on demurrer to the defendant's plea.

An obligation by deed cannot oe discharged without deed, by parel license.

produced on both sides of the Channel by the proceedings of the American Convention for the Atlantic and Pacific Railroad. Europe begins to believe that nothing is impossible for the American people."

The Treaty between the United States and The defendant in this case agreed, for a valuable consideration, that the plaintiff had not been damnified by the defendant's practice of medicine, is bad.

The defendant in this case agreed, for a valuable consideration, that the plaintiff had not been damnified by the defendant's practice of medicine, is bad.

Provision is made, it is said, for the encouragement of a line of steamers between the United States ports and the East Indies, which if it ever be established, as we doubt not ere long it will, the importance of the Sandwich Islands, as an intermediate stopping place, in such an event can hardly be over estimated. It seems that Anthony J. Ten Eyck, our late Commissioner to the Sandwich Islands, did not resign, but was dismissed by His Hawaiian Majesty for reasons which are not distinctly stated as yet.

(C.T. The Levee at the Guvernor's house on Tuesday night went off in fine style. A large crowd was present,—a perfect jam of gentlemen, and some beautiful and talented, and best dress ladies in town. Every body seems highly gratified, and learn't if they it is a line of the mortage of the statute at least, entitled to dower in the summer of the wide was less than the calinate of the mortage, Held, also, that if the lot had been sold for more than the mortage debt, the wide was less than the debt, her claim to dower was at an end. Affirmed.

Described the statute, mean a title by which the husband bad such a seism of the land as, previously to the statute, entitled the which dower.

While this statute was in force, the owner of a town lot conveyed it to a married purchaser, and the purchaser and the purchaser and the purchaser are secuted on the same day a mortage to the grantor to secure the payment of the mortage. The mortage and the mortage and the mortage, which the wise in the mortage, under which decree the land was sold to the assignment of the purchaser, and the purchaser, and the purchaser, and the purchaser, and the purchaser, which the wife to dower.

While this statute was in force, the owner of a town lot conveyed it to a married purchaser, and the purchase

seribed in the petition,) situated in a certain township and range, without designating in terms the county and state in which they without designating in terms the county and state in which they were situated, and that he desired to have partition thereof, was were situated, and that he desired to have partition thereof, was sufficient in substance to invest the court with jurisdiction, to order the partition applied for; and it will be presumed, after decree, that any detect in the description as to the county and state in which the land was situated, or of the particular part of a quarter-section, was supplied by the proof, where the county and state in which the land was situated and the particular part of such quarter-section are set out on the order-book in the preface or introductory part of the order of the court directing the partition to be made.

Where persons, who are not named in a petition for partition as defendants thereto, are mentioned as such on the order-book of the court in the introductory part of the court's decree which professes to set out the substance of the petition upon which the application for partition is founded, they will be presumed to have been properly made defendants to the partition.

Where the record states that there was satisfactory evidence of the due service of process or publication of notice against defendants, it will be presumed that the requisite steps were taken to bring the parties within the jurisdiction of the court.

parties wiskin the jurisdiction of the court.

A party entitled to an interest in real estate by virtue of his wife's

scisin in fee of an undivided portion thereof, who falsely represents in a petition for partition of real estate that he is one of the proprietors in fee of such portion, obtains a decree for the sale in fee of the real estate by virtue of such false representation and receives the share of the purchase money coming for such entire portion, cannot afterwards maintain an action of ejectment for such portion on the ground of the invalidity of the sale.

When the Probate Court is shown to have had jurisdiction of the

when the Probate Court is shown to have had jurisdiction of the subject-matter of an application for partition, and it is also shown that the defendants were duly institled of the pendency of such application,—the sufficiency of the report of the commissioners, the proof of the title of the petitioner, and the ascertainment of the relative shares of the several parties, cannot be controverted collaterally; and the title of a bona fide purchase, acquired under the proceedings, must be deemed valid. Affirmed.

#### The Boston Murder.

The public sentiment which at first raged so utterly agninst Prof. Webster has taken a new turn, in consequence of statements in his favor. Great allowance should now be made for exaggerations, for the penny papers are interested in keeping up the excitement. We wind up our extracts for the present, with the following from the Boston Transcript:

We learn that the facts quoted yesterday, from the Mail in regard to the notes found at Dr. Webster's house were not fully stated. One note for \$400, dated 1842, was past due, cancelled and filed away. It had no endorsement, and had to all appearance, been taken up by payment or re-

With regard to the second note due in 1851, which was for \$2451, and endorsed, it is believed to have been secured by a mortgage on Dr Webster's mineralogical cabinet, which cabinet was sold within a year for \$3,000 to an association of gentlemen, who presented it to Harvard Col-lege. The fair presumption and belief is, that the note was prepaid, on the sa'e of the cabinet.

Thus far the public suspicion appears to have run in one direction; but by the following from the Cambridge Chronicle, it will be seen that something may be said on the

There are many circumstances, which if properly considered, tend much to relieve the terrible position of Professor Webster. Not only has no positive evidence been brought to show the agency of Prof. W. in the death of Dr. P., but many of the strong facts already are proved to have no foundation. The spots of blood said to have been discovered upon the floor and stairs, is found to be only tobacco juice! The pants, with Prof. W.'s name upon them, and stained with blood, are those which he wears in his laboratory, stained with acids! The tin box ordered at Waterman's, 3 feet long, dwindles to one 18 inches long, 18 wide and 13 inches deep, and of such description as another individual states he has often made for him. As to the matter of the receipt which has been so much insisted upon, who ever heard of a receipt being given on the payment of a note?

That any gentleman should have known him to be at the Medical College late on Friday night, when he is known to have come home early and been engaged in spending a social evening with Judge Fay and other friends, is, to say the least, remarkable. And it is no less remarkable that the janitor of the college, or any other individual, should have observed such unusual appearances about his rooms, as to have excited their suspicions, not only when he was thus absent, but so soon after the disappearance of Dr. P., and only divulge those suspicious at so late an hour. How great importance is to be attached to the pretended secresy of Prof. W.'s apartments, may be inferred from the fact that it was the duty of the janitor to take care of the entire building, and of course had ready access to each room. A gentleman who visited the rooms day before yesterday assured us that he examined the locks particularly, and presumed from their construction there could be no difficulty in finding a multitude of keys to fit them.

THE ELOPEMENT OF MRS. MILLER .- The Winchester Republican, referring to the elopement of Mrs. Miller, wife of Maj. Miller of the army, from Niagara, New York, says:

Maj. Miller, during his sojourn here, was highly respected and esteemed, and Mrs. Miller had the kindness and sympathy of the citizens to a great extent, especially after her husband was ordered upon distant service. She was of a gentle and modest bearing. and well calculated to win friends among strangers. Suicide would be painful enough to her family, but the other result would be worse than a thousand deaths. We cannot but hope that the worst has not happened. A few days may determine; and we sincerely trust that the hearts of other families may not have to bear the most poignant suffering.

SUICIDE BY A PREACHER. - Great sensation was recently occasioned at Cincinnati, by the suicide of the Rev. Jas. H. Perkins, who drowned himself in a fit of derangement. He was the pastor of the Unitarian church, and was a man of many virtues. The newspapers express great regret at the melancholy event.

## THE MARKETS.

Indianapolis, Dec. 19, 1849.

OUR PORK MARKET .- Since our last weekly, the weather, then unfavorable for an advance of prices, changed suddenly cold; since which it has moderated, and is now, Wednesdey, raining slightly. This, however, does not seem to suspend operations; and we learn of sales to a considerable extent, varying from \$2.314 a 2.45. Good hogs, averaging 220 lbs., we think would command \$2.50. Much depends on the weather, however, whether this price will be obtained. As "feed" is so expensive at the river, and no great "pressure" in "driving by railroad cars," we must leave holders to judge of their chances for

We have received by telegraph the following des-Madison, Dec. 18th, 1849.

"Sales of 1,300 hogs to-day at \$2.70 (two seventy), and the market firm. Only 4000 hogs on hand." While looking over our exchanges to obtain reliable in ormation in relation to the hog market, our eye fell on the following in the Dayton (Ohio) Journal: The Indianapolis Sentinel of 14th, quotes \$2.124a 2.15, and advises farmers to sell.

Whether the said "Journal" is WHIG in commercial matters as well as political, the farmers, who raise hogs for market, must judge. But this quotation shows a species of dishonesty that should not be tolerated either by the speculator or producer; for who will deceive or cheat the one, will not hesitate to do so with the other. We said, in the quotation alluded to above, after noting the advance in prices, which have fully realized our expectations, that we " now advise our farmers to sell, when they can get what they deem a remunerating price.

Now hear our Cincinnati reports of Mondoy Dec.

17, copied from the Gazette: Hogs.-The market was up ten to fifteen cents per 100 lbs. to-day, and sellers generally demanded \$3. but there were few tuyers at over 2,85 a 2,90 for fair lots. The sales as far as reported comprised 212 head av. 250 lbs. at \$3; 392 av. 200 lbs. at 2,87; 340 do. av. 215 lbs. at 2,90; 70 do. av. 230 lbs. at 2,95; 63 do. av. 230 lbs. at 2'87; 89 do. av. 230 lbs. at 2.95; 1000 do. av. 200 at 2.87 a 2,90, and 250 do. dividing on 200 lbs. at 2,75 a 2,80. This reaction in the market, which we noticed in our report of Saturday evening, was caused by the advance in the price of Pork in New York.

PURSUANT to an order from the Marion Probate Court the undersigned executor of the last will and testament of Zemas Lake deceased, late of Marion County, State of Indiana, will expose for sale at public auction in front of Browning's Hotel in the city of Indianapolis on the sevente-orth day of February, 1850, at 2 o'clock P. M. the following described real estate property of said testator, to wit: The equal and undivided three fifth parts of fractional north west quarter of section 34, township 16, Range 3 East, containing 179 8-100 acres. Terms of sale will be, one fourth in land, one fourth in six months, one fourth in twelve months, and one fourth in eighteen months: notes with approved security will be required; without any relief whatever from valuation or appraisement laws, bearing interest from date. The premises are beautifully situated about two miles north west of indianapolis on the east tank of White River, and immediately on the Crawfordsville and Lafayetta State Road. On the premises there is a dwelling house with the necessary out houses, a good or chard and about 120 acres in a high state of cultivation. Possession will be given on the first of March, 1858. Said ptemises will be sold subject to all excumbrances.

E. W. LAKE, Executor. SALE OF REAL ESTATE. E. W. LAKE, Executor.

Indianapolis, Dec. 7th, 1849.

State of Indiana, Hancock County. THE HANGOCK PROBATE COURT, FERRUARY TERM, A. D.

Petition for Partition.

John Marugha, and Eliza Catharine, his wife, William Conrad, and Elizabeth, his wife, Joseph Long, George Marugha, ss. William Marugha, Henry Marugha, Honry Hoffman, and Catharine, his wife, Jacob Long, John Long, Jr.

The said petioners John Marugha, and Eliza Catharine, his wife, William Conrad, and Elizabeth, his wife, Joseph Long, and George Marugha, heirs at law of Jeseph Long Jr., decessed having filed their petition in the Hancock Probate Court praying an order of said Court for partition of the Real Estate which was of said decedent among his heirs; and it appearing to the satisfaction of the Court that William Marugha, Henry Marugha, Hanry Hoffman, and Catharine his wife, heirs of the said John Long, deceased, are not residents of the State of Indiana. It is therefore ordered, are not residents of the State of Indiana. It is therefore o that notice of the pendency of the said petition be given by causing a copy of this order to be inserted three weeks in succession in the State Sentinel a weekly newspaper published in indianapolish. lis in Marion County; there being none published in said County of Hancock, thirty days before the first Monday of February next, that the said Witliam and Harvey Marugha, and Henry Hoffman, and Catherine his wife, may be warned to appear in this Court at the next term thereof to be holden at the Court House in Greenfield on the first Monday in February next to show cause, if any they can, why partition of said real estate shall not be made. By order of the Court.

Attest, 55-3w. T.

State of Indiana, Hancock County, ss. In the Hancock Cencuit Court, Francian Team, A. D. 1849.

In Chancery.

David Evans, executor of the last will and testament of Joseph B.

Chapman, deceased, us John Sale, Lydin A. Sale, Amos Brown, Grace Brown, Abijah Stidom, Deborah Stidam, Emma Wilkinson, Maria A Wilkinson, Alexander Wilkinson, et al.

B it known, that on the 15th day of August, 1849, the above named complainant, by Brown and Porter, his solicitors, filed in the office of the clerk of the Hancock Circuit Court, his hill of complaint in this behalf; and also an affidavit of a disinterested person showing that the cold laboratory above.

person showing that the said John Sale, Lydia A. Sale, Amos Brown, Grace Brown, Abijah Stidsm, and Deborah Stidam, Emma Wilkinson, Maria A. Wilkinson, and Alexander Wilkinson, are not residents of the State of Indiana. The said John Sale, Lydia A. Sale, Amos Brown, Grace Brown, Abijah Stidam, Deborah Stidam, Emma Wilkinson, Maria A. Wilkinson, and Alexander Wilkinson, are therefore hereby notified of the filing and pendency of said bill of compaint in the Hancock Circust Court, and to be end appear before the said judges of the said Court on the first day of their next term, to be hereafter holden at the Court House in the town of Greenfield, in said county of Hancock, and plend, answer or demur to said bill, otherwise the same will be taken as confessed and true against them. Brown and Porter, Sois for compit.

WILLIAM SEBASTIAN. Sept. 11, 1849. The State of Indiana, Marion County: IN THE MARION COURT OF COMMON PLEAS, JANUARY TERM, 1850.

Petition for Disorce.

Virginia C. Rogers ss. Aaron A. Rogers.

THE above named defendant, Aaron A. Rogers, is hereby notified, that the said Virginia C. Rogers, the petitioner above named, has filed her petition in said case against h m, in the office of the clerk aforesaid; also the affidavit of a competent and disinterested person, showing that said defendant is not a resident of the State of Indiana. That said petition is now pending in said court, and that unless he appear and plead to, or answer the same on or before the calling of said cause at the next term of said court, to be held in the Court House in Indianapolis, on the second Monday in January next, said petition and the matters and thing therein con-tained as set forth, will be taken as confessed and true against him,

and proceedings will be had thereon accordingly.

Attest,

ABRAM A. HAMMOND,

Ex-officio clerk of said Court.

By R. H. Newcoms, Deputy.

William Stewart, sol, for petitioner.

The State of Indiana Jefferson Connty, Sct. JEFFERSON CIRCUIT COURT, SEPTEMBER TERM, 1849, TO-VIT: ON THE 29TH DAY OF SEPTEMBER, IN THE YEAR OF HUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY NINE.

Sarah Ann Mahan, Mary Jane Rule, Montraville Mahan, James F. Rule, as: Henry Hildreth, Fiederick Crumbaugh, Sarah G. Stevenson, William Kent, Hannah Kent, Nancy Hendricks, William Hendricks, Lewis Davis,

COME the complainants, by Stevens and King their Solicitors, and filed their bill; and also an affidavit, setting forth and stating therein, that the said Lewis Davis, is not at this time a resident of the State of Indiana: It is thereupon, On motion, Ordered by the Court, that notice of the pendency of this suit be given the said Lewis Davis, by advertisement, for three weeks successively, in the "Republican Banner," a weekly newspaper, printed and published in the city of Madison; and in the "Indiana State Seatinel;" and that, unless said defendant shall be, and appear here, on the day of the next term of this Court, either by his sel, enter his appearance herein, and plead, answer, or demur to said bill, the matters and things therein contained will be heard and determined in his absence. And this case is continued until

Dy order of the Court. A true copy:
Attest, JNO. H. TAYLOR, Clerk,
49-3w. By Thos. W. Woolley, Deputy.

DELINQUENT TAXES, HANCOCK

COUNTY. NOTICE is hereby given, that all lands and town lots on which the taxes of 1848 shall remain unpaid, will be offered for sale by the Treasurer of Hancock county, Indiana, at the Court House does in the town of Greenfield, on the first Monday of January, 1850. o much of each tract will be sold as may be necessary to discharge the taxes, penalty and costs due thereon, including the taxes of Greenfield, Nov. 15, 1849. 48 4w J. MYERS, A. H.

SHERIFF'S SALE. BY virtye of an execution to me directed from the Clerk's Office of the Marion Circuit Court, I will expose to public sale, on the 8th day of December next at the Court House door in the city the sin day of December 1 of Indianapolis, Marion county, within the hours prescribed by law, the rents and profits for seven years, of the following real es-

Lot No. 9 and the West half of lot No. 8 in Square No. 47, in the town of Indianapolis.

And on failure to realize the full amount of judgment, interest and costs, I will at the same time and place, expose the fee simple of said real estate. Taken as the property of Caleb Scudder, at the suit of the State of Indiana 48-3w CHARLES C. CAMPBELL, Sheriff M. C.

SHERIFF'S SALE. BY virtue of two executions to me directed from the clerk's of-fice of the variou stream court, I will expose to public sale on the 8th day of December, 1849, at the Court House door in the town of Indianapolis, county of Marion and State of Indiana, within the hours prescribed by law, the rents and profits for seven years, of the following real estate, to-wit:

The west half of the south west quarter of section six, (6) town-

hip fifteen (15) range four (4) east, containing seventy-four And on failure to restize the full amount of judgment, interest, and costs, I will at the same time and place expose the fee simple of said real estate. Taken as the property of Alexander Devidson and George II. Dunn, at the suit of Alfred Harrison, Catharine Davidson, and Winston Noble, and also at the suit of Jonas Wood.

48 3w CHARLES C. CAMPBELL, Sheriff M. C.

SHERIFF'S SALE. DY virtue of an execution to me directed from the Clerk's Office of the Marion Circuit Court, I will expose to public sale, on the 8th day of December next, at the Court House door, Indianapolis, Marion county, within the hours prescribed by law, the rents and profits, for seven years of the following real estate, to-wit:

Lot No. 44 in Square No. 40, in Wood's Addition to the town of Indianapolis.

And on failure to realize the full amount of judgment, interest and costs, costs, I will at the same time and place, expose the fee simple of said real estate. Taken as the property of Jacob Landis, at the suit of State of Indiana.

48-3w CHARLES C. CAMPBELL, Sheriff M. C.

Brown Township, Hendricks County. Bought of William P. Maiden on the 6th of October, a chesnot sorrel mare supposed to be nine or ten years old. White on the left fore foot under the fetter lock. Branded on the right shouldar with the letter O. Some saddle marks. A white stripe in the face with a small dark spot in the center of it. The mare is about fourteen hands high: supposed to be stolen and brought into the neighborhood.

NATHANIEL COFFIN. November 16th 1849.

virtue of a writ of venditioni exponss to me directed rom the Clerk's Office of the Marion circuit court, I will expose to public sale on the 8th day of December, 1642, at the Court House door in the town of Indianapolis, within the hours prescribed by law, the reats and profits for seven years, of the folowing real estate, to wit :
Ten seres of land to be taken out of the northeast corner of the

Ten acres of land to be taken out of the northeast corner of the north end of the west half of the southeast quarter of section six, (6) township lifteen north, of range four east, in Marioa countries, And on failure to realize the full amount of judgment, interest and rosts, I will at the same time and place expose the fee simple of said real estate. Taken as the property of John B. Phipps, at the suit of Jacob Landis.

48 Sw \$1.87 CHARLES C. CAMPBELL, Sheriff M. C. SHERIFF'S SALE. By virtue of a writ of fieri facins to me directed from the clerk's office of the Marion Court of Common Pleas I will ex

pose to public sale on the 13th day of January next, 1850, at the Court House door, in the city of Indianapolis in the State of Indiana, with-in the hours prescribed by law, the rents and profits, for seven years, of the following real estate, to wit:

That part of the north west half of square number 19, in the city of Indianapolis bounded as follows: Commencing at the north east point of said north-west half of square number 19, thence running

point of said north-west half of square number 19, thence running west to the lot or parcel of ground now owned and occupied by Lucian Barbour, thence south 77 feet and 3 inches to the lot or parcel of ground now owned and occupied by Hampden Sidney Beck, thence east on the time of said lot or parcel of ground so owned and occupied by said said Beck to the street known as Massachussets avenue; thence on the line of said avenue to the place of beginning. Also the following described part of the same half square, to-wit: Commencing at the south west corner of the Lot or parcel of ground sold by Josephus C. Worrell to, and now owned and occupied by said Beck, thence running south on A abama street eighty leet or thereabout to a partition fence thence on the line of said fence east to the street known as Massachusetts avenue, thence north east on the line of said avenue to the south east corner of said lot or parcel of ground now owned and occupied by said Beck, thence west on the line of said lot or parcel of ground so owned and occupied by said Beck, thence west on the said of or parcel of ground so owned and occupied by said Reck to the place of beginning except the part within the east boundary on the said avenue conveyed by Robert Patterson to Mrs. Mary P. Williams, all said real veyed by Robert Patterson to Mrs. Mary P. Williams, all said real estate being and situate in the county of Marion and State of Indiana.

And on failure to realize the full amount of judgment, interest and costs, I will at the same time and place expose the fee simple of said real estate. Taken as the property of Robert Patterson, at the soit of David V. Culley for the use of William B. Chace, against Samuel J. Patterson and Robert Patterson.

Sheriff of Marion County. ANOTHER BLAST FROM HORN!

EXTENSIVE ARRIVAL OF NEW GOODS! WE are now receiving and opening a large and seasonable stock of staple and fancy DRY GOODS, consisting of all the new styles of dress goods, dress trimmings, shawle, bonnets, bonnet ribbons, neck and cap do., linen cambric bdk/s, hosiery and gloves, embossed table and piano covers, &c. Also, hats and caps of every description, quality and price.

Groceries, Cottom Yarn, Batting, Nails, Glass, &c. All of which we will sell at WHOLESALE OR RETAIL, at prices that cannot be heat west of the mountains. Country merchants will find it to their advantage to give us a call before purchasing. Remember the place for H. J. & B. C. HORN. bargains is at the big So Indianapolis, Dec. 11. 58.

WANTED. A GENTS wanted to obtain subscribers for "The com-

and Public Services of John Quincy Adams" The subscriber will remain at Indianapolis for two weeks to receive applications. For terms &c. call at the Book Store of Davis H. F. WEST. 55-3wis. Dec. 7, 1849.

Pland.—The undersigned offer for sale at eastern cost a se-perior rose wood Piano and stool; warranted a superior in-strument and in perfect tone. 56 H. J. & B. C. HORN. COUGH CANDY. CLARK'S Celebrated Cough Candy, for sale, at wholesale or retail at the Bookstore of 57 HOOD & NOBLE.

ALMARACS: ALMANACS!

LMANACS by the gross or doz. for sale, by ENGLISH Latin Lexicon, from the German, by Dr. C. & Georges, by Biddle and Arnold, edited by Charles Anthon L L. D. Just received by 35 Hood & NOBLE.